

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number _____

**Env-A 1204.02(h), 1204.03(co),
1204.43, and 1204.44**

1. Agency Name & Address:

**Dept. of Environmental Services
P.O. Box 95
Concord, NH 03302-0095**

2. RSA Authority: **RSA 125-C:4, I(a)**

3. Federal Authority: **N/A**

4. Type of Action:

Adoption _____

Amendment **X** _____

Repeal _____

Readoption _____

Readoption w/amendment **X** _____

5. Short Title: **SOLVENT METAL CLEANING**

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

As required by NH Laws of 2004, Chapter 175, the Department is proposing to incorporate relevant portions of the Ozone Transport Commission (OTC) model rule for solvent metal cleaning into Env-A 1204; this entails making several substantive changes including but not limited to the following described changes. The Department proposes to specifically include anyone who sells any solvent containing volatile organic compounds (VOCs) for use in a cold cleaning machine while providing exemptions for cold cleaning machines that have an operating capacity of a liter or less of VOCs and for open top degreasers with an open top area of less than a square meter. Other exemptions are also provided in the proposed rule such as removing certain requirements for machines that have a closed cover during cleaning operations and not requiring cold cleaning machines of a specified size to comply with control equipment requirements. The Department proposes to allow for a pass-through period between banning the sale of non-compliant solvent and banning the use of non-compliant solvent. Finally, the Department proposes to impose recordkeeping requirements on both sellers and purchasers of solvents.

6. (b) Brief description of the groups affected:

The proposed changes would affect anyone who sells or uses any solvent containing VOCs for use in a cold cleaning machine. In addition, the proposed rule allows certain small cold cleaning machines and small open top degreasers to be excluded from the requirements of Env-A 1204.43 or Env-A 1204.44, as applicable.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Provision of the Proposed Rule	Specific State and Federal Statutes the Rule is Intended to Implement
Env-A 1204.02(h), 1204.03(co), 1204.43, and 1204.44	RSA 125-C:4, I(a) & (n); RSA 125-C:6, II & XVII; 42 U.S.C. §§7410, 7502(c), & 7511c

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Sheri Eldridge-Banack** Title: **ARD SSMB Planning Specialist**
Address: **Dept. of Environmental Services** Phone #: **271-0880**
P.O. Box 95 Fax#: **271-7053**
Concord, NH 03302-0095 E-mail: **sbanack@des.state.nh.us**

The proposed rule can be viewed and
downloaded at
<http://www.des.state.nh.us/ard/prpsdrul.htm>.

TTY/TDD Access: Relay NH 1-800-735-
2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Thursday, January 20, 2005 at 4:00 pm**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Monday, January 10, 2005, 9:00 am**
NH Dept. of Environmental Services
Place: **Room 114**
29 Hazen Drive
Concord, NH 03301

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 04:235 , dated November 18, 2004

Fiscal Impact Statement for Department of Environmental Services rules governing the Solvent Metal Cleaning. [Env-A 1204.02, 1204.03, 1204.43 and 1204.44]

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There cost of the proposed rules may increase costs to the regulated community as compared to the existing rules.

2. Cite the Federal mandate. Identify the Impact on state funds:

No federal mandate; no impact on state funds.

3. Cost and benefits of the proposed rule(s):

The increased costs may result from the proposed requirement to use low volatility solvent if the price of that solvent is more expensive than the solvent currently used by the source. In addition, the proposed rule will eliminate costs for very small sources by exempting those cold cleaning machines with a capacity of one gallon or less and those open top vapor degreasers with an open top area of less than 1 square meter.

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

There are no political subdivisions subject to the proposed rules. Therefore, the proposed rules do not violate Part I, Article 28-A of the New Hampshire Constitution, because they do not assign any new, modified, or expanded programs or responsibilities to political subdivisions of the state in such a way as to necessitate additional local expenditures.